Special Meeting and Regular Meeting Minutes City Council/Redevelopment Agency City of Huntington Beach

Monday, April 19, 2004 4:30 P.M. - Room B-8 5:00 P.M. - Room B-8 7:00 P.M. - Council Chambers Civic Center, 2000 Main Street Huntington Beach, California 92648

An audiotape of the 4:30 p.m. portion of this meeting and a videotape of the 7:00 p.m. portion of this meeting are on file in the Office of the City Clerk.

Call to Order

Mayor Green called the special meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:35 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook (Houchen arrived at 4:40 p.m.)

Absent: None

(City Council) *Call for Special Meeting* at 4:30 P.M. for the Purpose of the Study Session Presentation by the Administrative Services Department Re: Process for Issuing Bonds Proposed to Fund Property Tax Override Refunds - 4:30 P.M. to 5:00 P.M. - Room B-8 for Special Meeting - 5:00 P.M. Regular Meeting Commences (120.50)

On April 5, 2004 the City Council adjourned to 5:00 P.M. Subsequently, the need arose to meet at 4:30 P.M. The appropriate legal notices have been posted and distributed by the City Clerk's Office in order for Council to convene at 4:30 P.M. The *Call for Special Meeting* at 4:30 p.m. was for the purpose of discussing the Study Session item.

The Call for Special Meeting Notice sets forth that the Special Meeting is necessary to allow the City Council/Redevelopment Agency to meet at 4:30 p.m., rather than at 5:00 p.m. which was the time announced to the public at the April 5, 2004 meeting.

The Call for Special Meeting Notice is as follows:

CALL FOR CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL MEETING

CITY OF HUNTINGTON BEACH MONDAY, APRIL 19, 2004

Cathy Green, Mayor
Jill Hardy, Mayor Pro-Tem
Dave Sullivan, Council Member
Gil Coerper; Council Member
Debbie Cook, Council Member
Pam Houchen, Council Member
Connie Boardman, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held in the *Lower Level, Room B-8 at the Civic Center, 2000 Main Street, Huntington Beach, CA 92648* at the hour of *4:30 p.m.* on *Monday, April 19, 2004* to allow for Public Comments and the following Study Session to be held:

(City Council/Redevelopment Agency) Study Session to Review the Process for Issuing Bonds Proposed to Fund Property Tax Override Refunds (630.40)

Administrative Services Department will present a review of the process for issuing bonds proposed to fund property tax override refunds. (See Agenda Items E-8 and G-2b.)

/s/ Cathy Green
Mayor

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 4:00 p.m. on Sunday, April 18, 2004.

/s/ Cathy Green
Mayor

End of Call for Special Meeting Notice

Public Comments

Chuck Scheid inquired as to what the disposition would be should there be any monies left over from the Bond after debt is paid.

Kreg Muller, Vice President, Huntington Beach Police Officers Association (HBPOA), informed Council of the process regarding CALPERS negotiations that the HBPOA is requesting Council consideration for health benefits. Officer Muller also commended Kenneth Small as Chief of Police.

Eileen Murphy spoke regarding Proposition 50 funds in relation to the Bolsa Chica and the closed session item on the Southern California Water Company pending litigation case.

(City Council/Redevelopment Agency) Study Session Held – Presentation Made by Craig Hoshijima, Financial Advisor, Public Financial Management (PFM) Regarding a Review of the Process for Issuing Bonds Proposed to Fund Howard Jarvis Lawsuit Property Tax Override Refunds (630.40)

Administrative Services Director Clay Martin orally presented a review of the process for issuing bonds proposed to fund property tax override refunds. (See this set of minutes regarding Resolution No. 2004-20 and Ordinance No. 3653.) Director Martin introduced Bond Counsel representative Chick Adams of Jones Hall and Craig Hoshijima of PFM, as well as members of his staff: Administrative Analyst Senior Bill McReynolds and Finance Officer Dan Villella, and Principal Administrative Analyst Peter Grant, Administration.

Mr. Hoshijima of PFM presented a PowerPoint Report titled *Municipal Bonds and Judgment Obligation Bonds - City Council Study Session April 19, 2004 Prepared by Public Financial Management, Inc.* which was included in the agenda packet.

Mr. Hoshijima responded to Councilmember Coerper's inquiry regarding coupons as shown on slide number 9 explaining the variety of ways municipal bonds can be "structured."

Director Martin provided timelines on procedures to take place, including the completion of the validation process, which he stated will be around mid-September 2004.

Mr. Adams of Jones Hall reported on bond reserves in response to Councilmember Houchen's inquiry and prepayment penalties in response to Councilmember Sullivan's question.

Mr. Adams confirmed in relation to a speaker during Public Comments that Bonds will only be used for this debt service and referred to page E-8.19 of the Consent Calendar Item pertaining to Resolution No. 2004-20.

Mayor Green thanked everyone for their presentations.

Motion to Recess to Closed Session - Approved

A motion was made by Sullivan, second Hardy to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

City Council Closed Session - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: 1 to 200. (120.80)

City Council Closed Session - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: one. Subject: City of Huntington Beach v. All Persons Interested in the Matter of the Issuance and Sale of Bonds for the Purpose of Refunding Certain Obligations Owed Under a Judgment of the Superior Court, Entitled Howard Jarvis Taxpayers Association v. County of Orange and City of Huntington Beach (OCSC No. 818780) (Retirement Property Tax Override), and All Proceedings Leading Thereto, etc. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated. Subject: Labor Relations – Meet & Confer. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is Southern California Water Company v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 03CC02021. Subject: Southern California Water Company v. City of Huntington Beach, et al. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:08 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

Absent: None

(City Council) Announcement Made by Mayor Cathy Green that the Council Meeting Tonight is Dedicated to the Memory of Alberta Mandic, 94 Years Old (120.85)

Mayor Cathy Green announced that tonight's Council meeting is dedicated to the memory of Alberta Mandic who recently passed away at the age of ninety-four years.

The Assistant City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehring announced Late Communications regarding agenda items that had be received by the City Clerk's Office following distribution of the agenda packet:

Two Communications submitted by Mark D. Bixby dated April 16, 2004 and titled *Re: Entitlement Streamlining Phase II* stating his opposition to the City Wide Entitlement Permit Streamlining Project – Phase II.

Communication from the City Clerk's Office regarding pages E-4.20 and E-4.21 that were inadvertently omitted from some of the agenda packets.

The Following Additional Late Communication Was Submitted During the Meeting:

Communication submitted by Robert Carvounas (undated) and titled *The GOLDEN BEAR Monument* which was a handout with a proposal to create a monument for the 20 year anniversary of the closing of the Golden Bear dinner theatre.

Pledge of Allegiance – led by Mayor Cathy Green

Invocation – led by Councilmember Dave Sullivan

Presentation made by Jim Starbird, City Manager for the City of Glendale representing the California Redevelopment Association, who presented to Mayor Cathy Green, City Administrator Ray Silver, Economic Development Director David Biggs, Planning Director Howard Zelefsky, Building and Safety Director Ross Cranmer, Fire Chief Duane Olson and Public Works Director Bob Beardsley, an Award of Excellence Special Citation 2004 for the Huntington Beach Hyatt Regency Resort and Spa. Steve Bone of the Robert Mayer Corporation also presented and Deputy Public Works Director Paul Emery was also in attendance. A short video clip describing the project was shown. (160.40)

Presentation made by Mayor Cathy Green who presented commendations to representatives of the different agencies who worked together with the City to maintain public safety and clean-up the oil that was spread during the eruption of March 17, 2004 of the oil well on the former Ascon Landfill site, at Magnolia and Hamilton. (160.40)

Mayor's Award presented by Mayor Cathy Green to City Administrator Ray Silver. Each member of Council personally contributed to a Proclamation in tribute to Mr. Silver's many years of dedicated public service. Also presented to Mr. Silver was the "Ultimate Challenge" surfer sculpture.

Councilmembers also spoke each in turn to thank and commend Mr. Silver and congratulated him on his impending retirement.

City Administrator Silver also spoke and thanked Councilmembers for their leadership and support. He spoke regarding the achievements of the City to benefit the community. Mr. Silver thanked the Department Heads, staff, volunteers and citizens. (160.40)

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

(City Council) Public Hearing Opened and Continued Open to June 7, 2004 – Deferred for a Study Session on May 17, 2004 - to Consider Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Sections of the Downtown Specific Plan and Consider Introduction of Ordinance Nos. 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651 (450.20)

A motion was made by Boardman, second Sullivan to pull from the agenda the Public Hearing item to consider Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by amending 15 chapters of the Huntington Beach Zoning and Subdivision Code and sections of the Downtown Specific Plan – for a Study Session on May 17, 2004 and to open and continue open the Public Hearing to June 7, 2004.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

(City Council) Mayor Cathy Green Announced Speakers for the Opened and Continued Public Hearing (Regarding the City Wide Entitlement Permit Streamlining Project - Phase II) Could Speak at this Time During the Council Meeting (450.20)

Mayor Cathy Green announced that any speakers wishing to offer comments regarding the Public Hearing concerning the City Wide Entitlement Permit Streamlining Project - Phase II could speak at this time during the Council meeting.

Prior to announcing the public speakers, Assistant City Clerk Liz Ehring restated for the record the following Late Communications which pertain to this public hearing:

Two Communications submitted by Mark D. Bixby dated April 16, 2004 and titled *Re:* Entitlement Streamlining Phase II stating his opposition to the City Wide Entitlement Permit Streamlining Project – Phase II.

Joey Racano, representing W.E.V.O.T.E., spoke in opposition to the proposed City Wide Entitlement Permit Streamlining Project – Phase II. He stated his that in his opinion the city needs more public input and the proposed streamlining process could lessen public participation. He urged Council to vote in opposition to the proposed streamlining project. Mr. Racano thanked Ray Silver for his efforts as City Administrator. Mr. Racano stated his belief that through Mr. Silver's efforts he has helped to make the city a better place.

Teddi Alves spoke in opposition to the proposed City Wide Entitlement Permit Streamlining Project – Phase II. Ms. Alves thanked Councilmember Boardman for requesting removal from the agenda the proposed Streamlining Project item for further consideration.

Jan Vandersloot thanked Ray Silver for his stewardship of the city over the years. He stated his opposition to the proposed streamlining ordinances. Dr. Vandersloot spoke concerning his belief that the public should receive greater knowledge regarding the Planning Commission and the City Council proposed projects.

(City Council) Mayor Cathy Green Announced the Public Hearing Regarding the City Wide Entitlement Permit Streamlining Project - Phase II was Opened and Continued Open to June 7, 2004 with a Study Session to be Held on May 17, 2004 (450.20)

Mayor Cathy Green restated for the record the Public Hearing regarding the City Wide Entitlement Permit Streamlining Project - Phase II was opened and continued to June 7, 2004 and a Study Session is to be held on May 17, 2004.

Public Comments

Bob Osterhoudt, representing Pacific Park Villas Homeowners Association, spoke regarding the agenda item addressing proposed Affordable Housing Program Policies, expressing his concern about changes to the Affordable Housing Program without giving notice to the homeowners. Mr. Osterhoudt stated his opposition to the proposed program formula methodology.

George Cross, representing the Community Care Health Centers, invited all to participate in the 12th Annual Duck-A-Thon Race fundraising event sponsored by the Huntington Beach Community Care Health Centers Support Group. Mr. Cross informed Council that the event will be held May 15 and 16, 2004 and provided a contact number to call of 714-374-1951 for further information.

Cathy Stan, President of Neighborhood Watch, introduced the program and spoke of the Neighborhood Watch program's achievements. She stated the goal of Neighborhood Watch is to help to keep crime at a minimum. Ms. Stan thanked the City for its support and for the work of Suzie Wadja of the Huntington Beach Police Department.

Robert Carvounas informed Council of the history of the Golden Bear dinner theatre. Mr. Carvounas distributed a handout with a proposal to create a monument for the 20-year anniversary of the closing of the Golden Bear.

Joey Racano, representing W.E.V.O.T.E., spoke regarding what he stated as high toxicity levels on the site of the proposed Pacific City project. Mr. Racano requested an independent study of the proposed project and cautioned against what he states is the existence of urban run-off on the 31-acre, proposed Pacific City site.

John Earl requested that Council review the City's Coca-Cola agreement for what he alleges are the company's unethical practices and human rights abuses.

Kimberly Clayton spoke concerning her opinion that the Coca Cola Company violates human rights. Ms. Clayton requested that Council reconsider the City's Coca-Cola agreement.

Teddi Alves stated what she believes are damages to her property caused by bulldozing equipment. Ms. Alves stated her belief that she was incorrectly cited on a code violation.

Mary Jo Baretich invited all to attend an Earth Day celebration, Saturday, April 24, 2004 beginning at 10:00 a.m. for an all day environmental cleanup at Big Shell Wetlands. Ms. Baretich thanked those who donated supplies necessary for the cleanup.

Merrilee Madrigal spoke in opposition to the agenda item concerning the proposed streamlining ordinances and urged Council to deny the proposed streamlining project. Ms. Madrigal expressed concern that weed abatement hearings be properly noticed to the public in relation to the agenda item regarding weeds, rubbish and refuse abatement.

(City Council) Administrative Public Hearing Held Pursuant to Resolution No. 2004-14 Adopted February 17, 2004 to Hear Protests Regarding Weed Abatement – Rubbish and Refuse Abatement (520.80)

The City Council considered a communication from the Public Works Director.

Mayor Cathy Green announced that this was the time noticed for an administrative public hearing to hear objections and protests to the proposed removal of weeds, refuse and rubbish from undeveloped private properties at the owners' expense. This hearing is held pursuant to **Resolution No. 2004-14** adopted February 17, 2004.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Deputy Director of Public Works Paul Emery presented a PowerPoint report (undated) and titled Department of Public Works – Annual Weed, Rubbish, and Refuse Abatement Program which was included in the agenda packet.

Deputy Director Paul Emery reported on the weed abatement process and its related budget process.

Mayor Cathy Green declared the administrative public hearing open.

Councilmember Boardman announced that the public can acquire from the City Clerk's Office a complete agenda packet to take home.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Boardman, second Hardy to authorize the Superintendent of Streets (Director of Public Works) to proceed with the abatement of said nuisance. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

Consent Calendar – Items Approved

On motion by Boardman, second Sullivan Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

(City Council) Approved Amendment to Agreement between the City and William Workman to Serve as Acting City Administrator Until a Permanent Appointment (600.10) - Approved the attached Amendment to Employment Agreement Between the City of Huntington Beach and William Workman and Authorized the Mayor and City Clerk to execute this Amendment for William Workman to serve as the acting City Administrator until a permanent appointment is made. Submitted by Administration. Funding Source: No additional appropriation is required.

(City Council) Approved Additional Appropriation for Sales Tax Auditing Services – HdL Companies (320.45) – Approved appropriation of \$50,000 in additional revenue for sales tax auditing service. Submitted by the Administrative Services Director. Funding Source: General Fund Unreserved Fund Balance. (There will be no negative effect on the unreserved general fund balance due to the recapture of \$141,019.64 in sales tax revenue for the City.)

(City Council) Received and Filed Fiscal Year 2002-2003 Park Impact Fee Annual Report Pursuant to Huntington Beach Municipal Code Section 230.30 of the City's Zoning and Subdivision Ordinance (310.10) – Received and filed Park Impact Fee Annual Report Fiscal Year 2002-2003. Submitted by the Community Services Director. Funding Source: Not applicable.

(City Council) Accepted Bid and Awarded Construction Contract to Sancon Technologies, Inc. for the 2003-2004 Sewer Rehabilitation Project; CC-1231 (Includes Districts 475, 485 and 486 Located Within the Southeast Area) (600.60) – 1. Accepted the lowest, responsive and responsible bid submitted by Sancon Technologies, Inc., in the amount of \$977,723.55; and 2. Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Budgeted through the Sewer Service Fund, Sewer Line CIP. Engineer's estimate - \$1,200,000 including incidentals.

(City Council) Accepted Bid and Awarded Construction Contract to Cedro Construction for the Newland Street Water Pipelines Phase 1; CC-1187 (Pipeline is Located at Newland Street between Edinger Avenue and Warner Avenue) (600.75) – 1. Accepted the lowest, responsive and responsible bid submitted by Cedro Construction in the amount of \$2,462,493; and 2. Authorized the Director of Public Works to approve up to fifteen percent (15%) in construction change orders; and 3. Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Budgeted in the Water Master Plan, OC-9 Water Main Account; Water Fund, Water Main Replacements Account; and West Orange County Water Board Water Vault Relocation Account.

(City Council) Approved Reimbursement Agreement with 17th PCH Partners for Water Main Replacement (Located in Alley Between 17th and 18th Streets) (600.10) – Approved and authorized the Mayor and City Clerk to execute the *Reimbursement Agreement for Water Main Construction Between the City of Huntington Beach and 17th PCH Partners.* Submitted by the Public Works Director. Funding Source: Reimbursement funds in the amount of \$20,000 are available in the Water Fund, Water Main Replacements Account.

(City Council) Accepted Bid and Awarded Construction Contract to Nobest Inc. for Street, Curb, Gutter, and Sidewalk Improvement Project; MSC-421 (Locations Sunlight Drive, Rambler Drive, Thunderbird Circle, Sparrow Drive, Fir Drive, Emerald Lane, Cypress Avenue, Michael Drive and Darsy Drive) (600.90) – 1. Accepted the lowest, responsive and responsible bid submitted by Nobest Inc. in the amount of \$854,828.22; and 2. Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Economic Development Director and Public Works Director. Funding Source: Funds in the amount of \$500,000 are budgeted in the Measure M Fund, Pedestrian Improvements Account; and funds in the amount of \$392,856 are budgeted in the Community Development Block Grant Fund, Curb-Sidewalk Construction 03-04 Account.

(City Council) Adopted Resolution No. 2004-20 Authorizing the Issuance of Amount Not to Exceed \$24,000,000 Aggregate Principal Amount of Judgment Obligation Bonds Re: Howard Jarvis Property Tax Refund (630.40) – Adopted Resolution No. 2004-20 - "A Resolution of the City Council of the City of Huntington Beach Authorizing the Issuance of Not to Exceed \$24,000,000 Aggregate Principal Amount of Judgment Obligation Bonds, and Authorizing the Filing of an Action to Determine the Validity of Said Bonds." Submitted by the Administrative Services Director and the City Attorney. Funding Source: Not applicable. (See Study Session and Agenda Item Concerning Introduction of Ordinance No. 3653.)

(City Council) Approved Agreements for Equipment and Funding for Weapons of Mass Destruction (WMD) for the Departments of Fire, Police and Community Services Marine Safety Division (600.25) – Approved and authorized the Mayor and City Clerk to execute the attached agreements: 1. Transfer funding of \$61,417 to the City of Huntington Beach for the purchase of a decontamination unit titled *Agreement to Transfer Property or Funds for Fiscal Year 2003 State Homeland Security Grant Purposes*; and 2. Transfer of WMD equipment to the Fire Department titled *Agreement to Transfer Equipment for Fiscal Year 2003 State Homeland Security Grant Purposes*; and 3. Transfer of WMD equipment to the Police Department and the

(Continued on the next page)

Marine Safety Division titled *Agreement to Transfer Equipment for Fiscal Year 2003 State Homeland Security Grant Purposes*. Submitted by the Fire Chief. Funding Source: The Homeland Security Business Unit established during the budget process authorized the expenditure of \$62,000 for a decontamination unit with the cost for purchase to be reimbursed to the City through a Weapons of Mass Destruction Grant. No City funds are required to purchase this unit.

(City Council/Redevelopment Agency) Approved City of Huntington Beach and Huntington Beach Redevelopment Agency Affordable Housing Program Policies and Procedures (400.30)

The City Council considered a communication from the Economic Development/Deputy Executive Director transmitting the following **Statement of Issue**: The City and Redevelopment Agency provide affordable ownership housing to low, median, and moderate-income residents. This program is administered by both the Planning and Economic Development Departments. Economic Development is primarily responsible for administering affordable units upon their completion. These activities, which include determining home buyer eligibility, calculating maximum affordable sales prices, approving transfers, and monitoring for program compliance, are described in detail in the proposed Affordable Housing Program Policies and Procedures submitted for approval.

Mayor Pro Tem Jill Hardy recused herself due to a conflict of interest.

Economic Development Director David Biggs orally presented and clarified the process concerning the administration procedures of the city's affordable housing units.

Assistant Project Manager Steve Holtz presented a PowerPoint slide report dated April 19, 2004 and titled *Housing Program Policies and Procedures – Huntington Beach City Council – April* 19, 2004 – Agenda Item F-1 which was included in the agenda packet.

Economic Development Director David Biggs addressed the Public Speaker's comments regarding pricing calculations and program rules.

Councilmember Sullivan inquired about public notification issues to which Economic Development Director David Biggs responded.

A motion was made by Sullivan, second Coerper to approve the *City of Huntington Beach and Huntington Beach Redevelopment Agency Affordable Housing Program Policies and Procedures*.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None ABSTAIN: Hardy (City Council) Adopted Ordinance No. 3635 Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Undergrounding of Utilities for Provider, Verizon (640.10)

Assistant City Clerk Liz Ehring read **Ordinance 3635** by title "An Ordinance of the City of Huntington Beach Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Underground Utilities."

The Verizon representative reported based on Council inquiry regarding undergrounding and fiber-optics.

City Administrator Ray Silver stated there will be no impact on adjacent residential properties. Mr. Silver emphasized the importance of the project to the city relating to high speed communications.

A motion was made by Coerper, second Hardy to adopt **Ordinance 3635** – "An Ordinance of the City of Huntington Beach Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Underground Utilities." (This ordinance will facilitate a citywide upgrade to a fiberoptic network by an existing utility provider (Verizon - Approved for Introduction April 5, 2004.)

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

(City Council) Approved for Introduction Ordinance No. 3652 Amending Chapter 8.21 of the Huntington Beach Municipal Code Re: Refuse Management (640.10)

The City Council considered a communication from the Public Works Director transmitting the following **Statement of Issue:** The current Huntington Beach Municipal Code, Chapter 8.21 relating to Refuse Management requires amendments to clarify the types of containers approved for residential refuse, as well as to modify two sections that were not in compliance with the exclusive Franchise Agreement the City's franchised hauler, Rainbow Disposal, Inc. (Rainbow).

After Assistant City Clerk Liz Ehring read by title, a motion was made by Coerper, second Hardy to approve introduction of **Ordinance 3652** – "An Ordinance of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Relating to Refuse Storage and Containers." The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

(City Council) Approved for Introduction as Amended to Change 5 to 14 Days Regarding Hearing Notice - Ordinance No. 3653 - Establishing Procedures to Pay Retirement Tax Refund Claims in Connection with Howard Jarvis Taxpayers Association v. City of Huntington Beach (This Ordinance Supercedes Resolution No. 2001-19) (640.10)

The City Council considered a communication from the City Attorney transmitting the following **Statement of Issue**: Staff recommends that the City Council adopt an Ordinance establishing procedures to process Retirement Tax refund claims following the decision in *Howard Jarvis Taxpayers Association v. City of Huntington Beach*, OCSC Case No. 818780.

Assistant City Clerk Liz Ehring read **Ordinance No. 3653** by title "An Ordinance of the City of Huntington Beach Directing the City Administrator to Approve all Valid Tax Refund Claims Filed in Connection with the Case Entitled Howard Jarvis Taxpayers Association v. County of Orange and Real Party in Interest City of Huntington Beach, Orange County Superior Court Case No. 818780, and Establishing Procedures to Determine Their Validity."

City Attorney Jennifer McGrath reported on the verification process with the intent to refund to individual taxpayers.

Principal Administrative Analyst Peter Grant responded to Councilmember Sullivan's inquiries concerning interest rates paid to taxpayers and the appeal process for denied claims.

City Attorney Jennifer McGrath responded to Councilmember Sullivan's questions relating to hearing officers.

A motion was made by Sullivan, second Hardy to approve for introduction **as amended** on page No. G-2b.7, paragraph 3 in the agenda packet (page 3, paragraph (c) of ordinance) to change "5" days to "14" days regarding hearing notice - **Ordinance No. 3653** – "An Ordinance of the City of Huntington Beach Directing the City Administrator to Approve all Valid Tax Refund Claims Filed in Connection with the Case Entitled Howard Jarvis Taxpayers Association v. County of Orange and Real Party in Interest City of Huntington Beach, Orange County Superior Court Case No. 818780, and Establishing Procedures to Determine Their Validity." (See Study Session and Resolution No. 2004-20.)

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

(City Council) Adopted as Amended by City Attorney- Resolution No. 2004-21 Prohibiting the Use of Styrofoam at City Facilities and During City Sponsored Events (120.10)

The City Council considered a communication from Councilmember Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue:** Expandable polystyrene products (commonly called Styrofoam) constitute a huge litter and ocean pollution problem. Because it is so light, it floats in water and is easily blown from place to place even when disposed of properly. It also doesn't biodegrade in the environment, but merely breaks down into smaller particles that litter the city's streets, parks, beaches and ocean.

The 1999-2000 Orange County Grand Jury report entitled "The Rainy Season's First Flush Hits the Harbors of Orange County," strongly recommended that the County of Orange and the cities within it, institute a procedure to substantially reduce the use and sale of disposable plastics and expandable polystyrene.

Because of these reasons, there is an effort to have cities in Orange County adopt resolutions banning the use of Styrofoam at city events and at city facilities. We thought the Council Meeting immediately preceding Earth Day to be an appropriate time to take up this issue.

Councilmember Boardman orally reported on the reasons for this Council memo.

Community Services Director Jim Engle responded to Coouncilmember Sullivan's inquiry concerning concession lease agreements.

City Attorney Jennifer McGrath responded to Councilmember Sullivan's inquiry as to why the recommendation is a resolution and not an ordinance citing enforcement issues.

A motion was made by Boardman, second Cook to **adopt as amended** the attached **Resolution No. 2004-21** – "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, PROHIBITING THE USE OF EXPANDABLE POLYSTYRENE (COMMONLY REFERRED TO BY THE TRADE NAME "STYROFOAM") FOOD SERVICE PRODUCTS WITHIN CITY FACILITIES AND AT CITY-SPONSORED EVENTS." **Resolution No. 2004-21 was amended as follows**: Where leases are concerned, add to the negotiation. Directed City Attorney to amend Resolution No. 2004-21 as follows: on page H-1a.3, (page 2 of Resolution) Section 1: First line, insert "prospectively" after the word, "not." Section 2: First line insert "All future" at the beginning of the sentence before "rental agreements." Section 3: First line, insert "at future" before the word, "special"; and fifth line, change "have" to "enter into." On page H-1a.4, (Page 3 of Resolution) First line, Insert "All future" at the beginning of the sentence before "written agreements."

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

(City Council) Approved as Amended to Direct Staff to Contact the Metropolitan Water District with a Letter of Support for a Tiered Water Program and Directed Staff to Provide Monthly Status Memos to Council Assessing the Level of Customer Water Usage to Maintain Public Awareness Through the Critical Summer Months - Expedite Completion of the Water Master Plan (1000.90)

The City Council considered a communication from Councilmember Gil Coerper transmitting the following **Statement of Issue:** I recently met with the Assistant City Administrator William Workman, Director of Public Works Robert Beardsley, and Utilities Manager Howard Johnson to discuss water issues and, particularly, water conservation. As summer is nearly upon us, we need to remember that water in Southern California has always been a concern. This is truer today than ever before. Our ever-increasing population is faced with a reduction of water supplies from the Colorado River and a sixth consecutive year of drought. Here in Huntington Beach, seawater intrusion into our groundwater basin continues to threaten our water supply. Water conservation has come to encompass our commitment to water-use lifestyle changes.

Conservation efforts in Huntington Beach have worked remarkably well. The city's water customers now actually use less water than over ten years ago. We continue to be one of the most active communities in plumbing retrofits. Our residents have changed out over 12,000 toilets and over 25,000 showerheads with low flow models. However, as we look to the future, our efforts need to be continued and, in fact, intensified.

As part of the update of the Water Master Plan reported on at our January 5, 2004 Study Session, staff and a professional services consultant will be examining a new conservation-based water rate structure for our consideration in several months. In the interim, it is important for the residents in our community to be vigilant in their water conservation efforts.

Councilmember Coerper orally reported concerning the reasons for his Council memo regarding water conservation.

Public Works Utilities Manager Howard Johnson was requested by Councilmember Cook and reported on the Water Master Plan. Mr. Johnson clarified for Council the tiered water rate based on usage.

A motion was made by Coerper, second Green to: request **as amended** (since the draft water rate structure component of the Water Master Plan is not scheduled to be available until this fall) that staff:

- (1) contact the Metropolitan Water District with a letter of support for a tiered water program;
- (2) provide monthly status memos to the Council, assessing the level of customer water usage, to maintain public awareness through the critical summer months; and
- (3) expedite the completion of the Water Master Plan at the earliest possible date.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None ABSENT: None

(City Council) Councilmember Pam Houchen Announced Mayor Pro Tem Jill Hardy's Marriage Engagement (120.85)

Congratulations were extended by Councilmember Pam Houchen to Mayor Pro Tem Jill Hardy on her marriage engagement.

(City Council) Councilmember Gil Coerper Announced the Multiple Sclerosis Walk-a-Thon (120.85)

Councilmember Gil Coerper spoke regarding the success of a 5-mile Multiple Sclerosis Walk-a-Thon attended by Mayor Cathy Green and himself.

(City Council) Councilmember Dave Sullivan Announced the Grand Opening of the Huntington Beach Sports Complex on Saturday April 24, 2004 at 6:00 p.m. (120.85)

Councilmember Dave Sullivan announced the Grand Opening of the Huntington Beach Sports Complex on Saturday April 24, 2004 at 6:00 p.m.

(City Council) Mayor Cathy Green Extended Condolences to the Family of Alberta Mandic and the Family of a CERT Volunteer, Patricia Rouse (120.85)

Mayor Cathy Green extended condolences to the Mandic family and the family of a CERT volunteer, Patricia Rouse.

(City Council) Mayor Cathy Green Announced the Groundbreaking Ceremony at Bella Terra (120.85)

Mayor Cathy Green announced the Bella Terra Groundbreaking Ceremony on Thursday, April 22, 2004 at 11:00 a.m.

(City Council) Mayor Cathy Green Extended Birthday Wishes to Councilmember Gil Coerper and Councilmember Dave Sullivan (120.85)

Mayor Cathy Green extended happy birthday wishes to Councilmember Gil Coerper and Councilmember Dave Sullivan.

Adjournment – City Council/Redevelopment Agency

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Friday, April 23, 2004, at 8:00 a.m., Hilton Waterfront Hotel, West Coast Club (for Roll Call and Public Comments and then recess to Closed Session Re: Recruitment of City Administrator), 21100 Pacific Coast Highway, Huntington Beach, California. Adjourned to Adjourned Regular/Regular Meetings of Monday, May 3, 2004 at 4:30 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

	City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California
ATTEST:	
City Clerk-Clerk	 Mayor-Chairman